

IN THE MATTER OF UNITED STATES PATENT APPLICATION
SERIAL NUMBER 10/667,683

Filed September 22, 2003 by Folkert HORST ET AL.

Entitled "REMOTE CONTROL SYSTEM FOR A LOCOMOTIVE HAVING USER
AUTHENTICATION CAPABILITIES"



AFFIDAVIT OF OLEH SZKLAR

I, OLEH SZKLAR, of the City of Montreal, in the Province of Quebec, Canada, MAKE
OATH AND SAY AS FOLLOWS:

1. I am a co-inventor of the above-referenced application.
2. At the time the patent application directed towards this invention was filed, the assignee was CANAC, INC. Following the filing of this patent application, the rights to this invention were assigned to Beltpack Corporation, and then subsequently to the current assignee, CATTRON INTELLECTUAL PROPERTY CORPORATION. Attached as Exhibit "A" to this Affidavit are photocopies of the assignment documents evidencing the above described chain of title.
3. Attached as Exhibit "B" to this Affidavit is a photocopy of pages 1, 5 and 6 of a letter dated February 20, 2003 to Mr. Michel Martineau, who was the person at CANAC, INC responsible for matters relating to Intellectual Property. This document was prepared by Brigide Mattar, of Smart & Biggar, following an Intellectual Property Meeting that took place at CANAC, INC on February 14, 2003. As indicated on page 5 of this document, an invention relating to a "Safety System for a Remote Control Unit using Biometric Data" was discussed, and was outlined in more depth in the IP Committee report of September 27, 2002. I believe that this is a true copy of the original letter taken from the internal files at Smart & Biggar.
4. Attached as Exhibit "C" to this Affidavit is a photocopy of pages 1 and 7 of the IP Committee report dated September 27, 2002, which was prepared by Brigide

Mattar, of Smart & Biggar, following an Intellectual Property Meeting that we both attended on September 19, 2002 at CANAC, INC. As indicated on page 7 of this document, the co-inventors and I, had possession of the claimed invention as of September 19, 2002. I believe that this is a true copy of the original letter taken from the internal files at Smart & Biggar.

5. Attached as Exhibit "D" to this Affidavit is a photocopy of a document entitled "User Verification Concept, Claims Diagram" dated May 6, 2003. This document was prepared by Brigide Mattar of Smart & Biggar in order to commence the preparation of a patent application directed towards this invention. The subject matter of claims 14 and 25, which described having a remote control device that includes a first input for receiving commands and a second input for receiving authentication information only, is shown in boxes A and B. The subject matter of claim 29, which describes the authentication data being indicative of a fingerprint is shown in box C. The subject matter of claim 31, which describes the authentication data being entered via a keypad is shown in box D. The subject matter of claim 33, which describes the authentication data being received via a retina scanner is shown in box E. The subject matter of claim 35, which describes the authentication data being indicative of a DNA information is shown in box F. The subject matter of claim 37, which describes the user being prompted to provide user identification data is shown in box G. And finally, the subject matter of claim 43, which describes the a transmission termination event is shown in box H. I believe that this is a true copy of the original document taken from the internal files of Smart & Biggar.
6. As demonstrated by the documents contained in Exhibits B-D, in collaboration with my co-inventors Folkert Horst, Brigide Mattar and Emma Start, I conceived, in Canada, the invention claimed in the above-identified patent application prior to May 22, 2003, which is the earliest date of the cited reference entitled "Locomotive Control system and Method" by Kisak et al. Moreover, Exhibits B-

D show that we, the inventors, were indeed in possession of the requisite means for implementing the claimed invention prior to May 22, 2003.

7. I believe that the team of patent agents at Smart & Biggar dealt with this invention in a diligent manner.
8. Attached as Exhibit "E" to this Affidavit is a copy of a letter dated July 31, 2003, from Brigide Mattar of Smart & Biggar to Michel Martineau of CANAC INC., enclosing a first draft of a patent application directed towards this invention, as referenced in the body of the letter. I believe that this is a true copy of the original letter taken from the internal files at Smart & Biggar.
9. Attached as Exhibit "F" to this Affidavit is a copy of a letter dated October 2, 2003, from Emma Start to Michel Martineau at CANAC INC. indicating that the patent application directed towards this invention was filed in the United States Patent and Trademark Office on September 22, 2003. I believe that this is a true copy of the original letter taken from the internal files at Smart & Biggar.
10. Whereby I declare that all statements made herein are of my own knowledge, are true, and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that wilful false statements and the like so made are punishable by fine and imprisonment, or both, under section 1001 of Title 18 of the United States Code and that such wilful false statements may jeopardize the validity of the application or any patent issued thereon.

SWORN BEFORE ME IN the
City of Montreal, Province of
Quebec, Canada, on this 08
day of August, 2007.

Michel Martineau

A Commissioner, etc.

Attorney, Member of the Quebec
Bar # 174403-8

Oleh Szklar

Oleh SZKLAR